IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

WP(C).No. 36947 of 2007(W)

---

PETITIONER:

---

KANNAN DEVAN HILLS PLANTATIONS COMPANY
PVT.LTD., KDHP HOUSE, MUNNAR - 685 612.
REPRESENTED BY ITS EXECUTIVE DIRECTOR
MR.P.M.SRIKRISHNAN.

BY ADV. SRI.JOSEPH KODIANTHARA
SRI.MATHEWS K.UTHUPPACHAN

RESPONDENTS:

---

1. KERALA STATE ELECTRICITY REGULATORY
COMMISSION, MR.C.V.RAMAN PILLAI ROAD,
VELLAYAMBALAM, THIRUVANANTHAPURAM - 695 010.

2. KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVANAM, PATTOM, TRIVANDRUM,
REPRESENTED BY ITS SECRETARY.

BY SHRI.P.P.THAJUDEEN, SC, KSEB
SHRI.T.K.KUNJABDULLA, SC, KSE REGULATORY COMMISSION.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**C.N.RAMACHANDRAN NAIR, J.**

**----------**

**WP(C) No. 36947 of 2007**

**----------**

**Dated, this the 18th day of December, 2007**

**J U D G M E N T**

Petitioner, a licensee of distribution of electricity, is challenging Ext.P4, by which revised tariff is issued by 1st respondent whereunder petitioner has to pay grid tariff for the power available from Kerala State Electricity Board for distribution. According to learned counsel for petitioner, more than 50% of the power availed is distributed among consumers and petitioner's consumption is less than 50% of the power availed. Petitioner has filed statutory revision petition before the 1st respondent, which is stated to be defective, is the submission by learned counsel appearing for 1st respondent. Defect is a matter, which can be cured by the petitioner and the revision petition should not be rejected without giving an opportunity to petitioner to cure the defect. This writ petition is disposed of directing 1st respondent to pass orders on petitioner's revision petition after petitioner cures defects and after hearing petitioner. First respondent shall take a decision on revision petition within a period of three months from now. There will be direction to 2nd respondent to raise only provisional bills on petitioner charging only grid tariff until decision is taken by 1st respondent on tariff revision.

**(C.N.RAMACHANDRAN NAIR, JUDGE)**

jg